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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,110	10/26/2000	Makoto Ishii	7217/62910	3916

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EXAMINER

ARANI, TAGHI T

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/697,110

Applicant(s)

ISHII, MAKOTO

Examiner

Taghi T. Arani, Ph.D.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/7/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-24 are pending for examination.

Response to Amendment

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 10128/1999.

Acknowledgment is made of the signed declaration .

The amendment to the drawings has overcome the previous objection.

The amendment to the specification has overcome the previous objection.

Response to Arguments

Applicant's arguments filed 6/7/2004 have been fully considered but they are not persuasive. Applicant has argued that the Ueno et al. reference does not teach newly amended claims 1 and 13 because of a "diagnostic code" added during packet transmission and a match with a predetermined constant .0 The Examiner finds the Ueno et al. reference to meet the claimed invention.

Claims 1 and 13 disclose determining whether the decoded data meets a predetermined standard including a matching of a decoding diagnostic code added to the required data during transmission and encrypted using the predetermined decoding key with a predetermined constant.

The claim does not specifically define what a diagnostic code is. In the specification Applicant has stated that a decoding diagnosis code is set beforehand and that the decoding diagnostic code may have any content, a constant determined by the transmitting and receiving systems used as the code (page 13, lines 5-8). Ueno et al. disclose a transmitter which includes a

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unique word affixing section for affixing a unique word to the input data and that the receiver includes a unique word detecting section [col. 8, lines 32-59]. Ueno et al. further teaches that if no unique word is detected by the unique word detecting section of the receiver, it is judged that an erroneous cipher key is used in the data deciphering section [see also Fig. 9].

While Ueno et al. do not explicitly call it “ diagnostic code”, reasonable broad interpretation of the term “ diagnostic code” would correspond to Ueno et al.’s unique word or check bit CHK (col. 8, lines 20-31).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-7, 10-12, 13-14, 16-19, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over prior arts of record, U.S. Patent No. 5,574,785 to Ueno et al. in view of U.S. Patent No. 5,959,978 to Horikoshi et al.

Referring to claims 1 and 13, Ueno et al. teach a data receiving method/unit, comprising:
receiving means for receiving signals [figure 2, RECEIVER 200];
data extracting means for extracting required data from among said digital signal data obtained by said converting means to form extracted data [figure 2, SEPARATING SECTION 210];

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decoding-key-setting means for setting a decoding key required for decoding the extracted data [figure 2, CIPHER KEY DETERMINING SECTION 215],

decoding means for decoding the extracted data by using the decoding key set by said decoding-key- setting means to form decoded data [figure 2, DATA DECIPHERING SECTION 213]; and

examination means for examining the decoded data decoded by said decoding means based on a predetermined standard [figure 2, ERROR DETECTING SECTION 214 and column 5, lines 44-47] including a matching of decoding diagnostic code added to the required data during transmission and encrypted using the predetermined decoding key with a predetermined constant [col.8, lines 20-58].

Ueno et al. do not explicitly teach a data receiving method/unit, comprising: converting means for converting signals received by said receiving means into digital signal data; deletion means for deleting data determined by said examination means as have not been decoded to meet the predetermined standard.

However, Examiner takes Official Notice that converting means for converting signals received by said receiving means into digital signal data is conventional and well known.

It would have been obvious at the time the invention was made to one of ordinary skill in the art to employ an analog-to-digital converter in the receiver of Ueno et al. since Examiner takes Official Notice that converting means for converting signals received by said receiving means into digital signal data is conventional and well known.

However, Horikoshi et al. disclose a data receiving method/unit, comprising:

deletion means for deleting data determined by said examination means as have

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not been decoded to meet the predetermined standard [Abstract].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Horikoshi et al.'s teaching of a communication system to the system and method of Ueno et al., such that Ueno et al.'s system would delete data if the correct cipher key is not used. One would have been motivated to modify Ueno et al.'s system as such in order to provide prevent meaningless data from occupying a portion of the memory space [Abstract, Horikoshi et al.].

Referring to claims 2 and 14, Ueno et al. as modified teach the data receiving method/unit according to Claims 1 and 13 respectfully, wherein data included in the signals received by said receiving means are computer-processible data [column 11, lines 55-57 of Horikoshi et al.].

Referring to claims 4 and 16, Ueno et al. as modified teach the data receiving method/unit according to Claims 3 and 15 respectfully, wherein the step of determining includes determining whether decoding has been performed meeting the predetermined standard in real time for each packet of the extracted data [column 12, lines 41-45].

Referring to claims 5 and 17, Ueno et al. as modified teach the data receiving method/unit according to Claims 1 and 13 respectfully, wherein the step of determining includes determining whether a result of decoding a decoding diagnosis code added to each packet of the extracted data is coincident with a code used at a transmitting side [figure 4, CHK].

Referring to claims 6 and 18, Ueno et al. as modified teach the data receiving method/unit according to Claims 5 and 17 respectfully, wherein said decoding diagnosis code is a constant [column 12, lines 17-19].

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Referring to claims 7 and 19, Ueno et al. as modified teach the data receiving method according to Claims 4 and 16 respectfully, wherein in the step of deleting, data which has not been decoded to meet the predetermined standard in real time is deleted in real time [Abstract, Horikoshi et al.].

Referring to claims 10 and 22, Ueno et al. as modified teach the data receiving method/unit according to Claims 1 and 13 respectfully, wherein when said predetermined decoding key does not exist upon decoding a packet of the extracted data, the packet is deleted [Abstract, Horikoshi et al.].

Referring to claims 11 and 23, Ueno et al. as modified teach the data receiving method/unit according to Claims 1 and 13 respectfully, wherein a key identical to a key used at a transmitting side for transmitting said signals received at said receiving means is used as the decoding key set by said decoding- key- setting means [column 5, lines 39-44].

Referring to claims 12 and 24, Ueno et al. as modified teach the data receiving method/unit according to Claims 1 and 13 respectfully, further comprising output means for outputting only data treated by said examination means as have been decoded to meet the predetermined standard [column 12, lines 63-65].

Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over prior arts of record, U.S. Patent No. 5,574,785 to Ueno et al. in view of U.S. Patent No. 5,959,978 to Horikoshi et al. in further view of U.S. Patent No. 5,781,135 to Kim et al..

Referring to claims 3 and 15, Ueno et al. as modified teach all limitation of claims and 15 except wherein said decoding means decodes each packet of the extracted data in real time.

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However, Kim et al. disclose the data receiving method/unit wherein said decoding means decodes each packet of the extracted data in real time [Abstract].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Kim et al.'s teaching of real time decoding to the system and method of Ueno et al. as modified such that Ueno et al.'s decoder (data deciphering section 213 of figure 2) would be a real time decoder. One would have been motivated to modify Ueno et al.'s system as such in order to expedite the decoding process.

Claims 8-9 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over prior arts of record, U.S. Patent No. 5,574,785 to Ueno et al. in view of U.S. Patent No. 5,959,978 to Horikoshi et al. in further view of U.S. Patent No. 5,919,257 to Trostle.

Referring to claims 8 and 20, Ueno et al. as modified teach all limitation of claims 8 and 20 except wherein when said decoding means determines that address data included in the converted data from said converting means is directed to said data receiving unit, said decoding means performs decoding.

However, Trostle discloses the data receiving method/unit wherein when said decoding means determines that address data included in the converted data from said converting means is directed to said data receiving unit, said decoding means performs decoding [column 6, lines 6-10].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to Trostle's teaching to the system and method of Ueno et al. as modified such that Ueno et al.'s system would transmit and receive an address packet identifying the data receiving

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unit. One would have been motivated to modify Ueno et al.'s system as such in order transmit the requested data to the proper user location.

Referring to claims 9 and 21, Ueno et al. as modified teach the data receiving method/unit according to Claims 1 and 13 respectfully, wherein said decoding-key-setting means sets the decoding key based on an external input [column 6, lines 2-4 of Trostle].

Action is Final

THIS ACTION IS FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Taghi T. Arani whose telephone number is (571) 272-3787. The examiner can normally be reached on 8:00-5:30 Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Taghi T. Arani, Ph.D.
Examiner
Art Unit 2131

E. L. Moise
EMMANUEL L. MOISE
PRIMARY EXAMINER
A/U 2136